

**ERIC JAMES HEIL, ESQ., A.I.C.P.**

5-26-04

Mark Walker
Colorado Department of Health and Environment
Via Fax: (303) 759-5355
Pages: 1

RE: Rico Soils VCUP application

Dear Mr. Walker,

I am submitting this letter on behalf of the Town of Rico as their Town Attorney. On Wednesday, May 19th, 2004, the Town Board took action to approve second reading of an Ordinance to authorize the Town of Rico acting as a co-applicant on the Rico Soils VCUP. The second reading of the Ordinance was amended to qualify the approval of the Rico Soils VCUP application to refer to the limitations and conditions in your review letter (please see the attached Ordinance).

The Town Board also put conditions on the approval which are described as follows:

1. The Town Board would like additional depth samples to be incorporated in the SAP so that data is developed to delineate where surface soils are not contaminated and soils at depth are contaminated. We are working with ARCO to develop a plan for additional depth samples but do not anticipate that such depth samples would occur throughout town. Town believes this additional information will be important for developing practical and efficient institutional controls for future development.

2. The Town Board would like to see additional depth samples in Town Streets to a lower depths of 2' to 3'. We are working with ARCO to develop plan for this sampling. Town believes this information will be valuable to determine the extent of excavating contaminated soils for certain streets planned for sewer line installation.

3. The Town Board would like to the SAP to include samples of smaller 3rd party property owners in the Zone 2 area (the non Rico Renaissance/Rico Properties parcels). ARCO has agreed to work with the Town to target the smaller 3rd party parcels for sampling.

Thank you for all your assistance on the Rico Soils VCUP application. The Town Board is very happy to see the cooperation and progress realized between all parties and hopes that such cooperation will continue throughout this project.

Please contact me if you have any questions regarding this letter.

Sincerely,

Eric James Heil

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ORDINANCE NO. 2004-3**TOWN OF RICO****AUTHORIZING A VOLUNTARY CLEAN-UP APPLICATION WITH ATLANTIC RICHFIELD COMPANY, RICO RENAISSANCE AND RICO PROPERTIES.**

WHEREAS, Atlantic Richfield Company has prepared a VCUP application to the Colorado Department of Public Health and Environment, 2004, for the purpose of testing soils for lead contamination and removing lead contaminated soils in the Town of Rico, and Atlantic Richfield, Rico Renaissance and Rico Properties have asked the Town of Rico to sign the VCUP Application as a co-applicant;

WHEREAS, lead contaminated soils may present a health risk to Rico residents and the removal of lead contaminated soils will benefit the health, safety and general welfare of the Rico community; and,

WHEREAS, a Voluntary Clean-up program in cooperation and partnership with Atlantic Richfield, Rico Renaissance and Rico Properties will promote beneficial coordination of many important community planning issues in addition to removal of lead contaminated soils;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. VCUP APPLICATION AUTHORIZED. Clean-Up Plan application to the Colorado Department of Public Health and Environment with the Town as a co-applicant with Atlantic Richfield, Rico Renaissance and Rico Properties, for the purpose of conducting the Sample and Analysis Plan as proposed by Atlantic Richfield and with such revisions and direction as set forth in the May 11th, 2004, VCUP review letter by Mark Walker, CDPHE, Voluntary Cleanup Program and Phase I cleanup described therein, subject to CDPHE approval of all required future work plans described in the application. The Mayor, Manager and/or Town Clerk are authorized to execute documents necessary to submit this VCUP Application to the Colorado Department of Public Health and Environment.

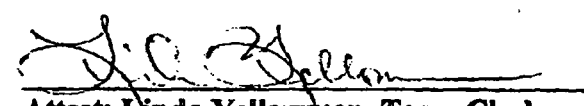
SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 18th day of February, 2004.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of May, 2004.


By: Tom Clark, Mayor


Attest: Linda Yellowman, Town Clerk
[Town Seal]


Approved as to Form:

Eric James Heil, Esq., Town Attorney